

SENATE BILL 666

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 63
and Title 68, relative to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-304(a)(2)(A)(i), is amended by deleting the subdivision and substituting the following:

(i) If the records are available in paper or film forms only, and if the provider of records attests or certifies that the records were maintained in paper or film only, then the authorized party requesting the patient's records is responsible for the reasonable costs of copying and mailing the patient's records.

SECTION 2. Tennessee Code Annotated, Section 68-11-304(a)(2)(B), is amended by adding the following as a new subdivision:

(iii) In social security disability cases for a non-indigent individual, if a patient, a patient's legal representative, or a person authorized by the patient requests copies of the patient's healthcare records under this section for use in appealing a denial of social security disability insurance under 42 U.S.C. §§ 401 — 433, or supplemental security income under 42 U.S.C. §§ 1381 — 1385, then the hospital may charge twenty dollars (\$20.00), or no more than the reimbursement amount that the disability determination services section within the division of rehabilitation services of the department of human services reimburses the hospital, for copies of the patient's healthcare records.

SECTION 3. Tennessee Code Annotated, Section 68-11-304(a)(2), is amended by adding the following as a new subdivision:

(C)

(i) If the records are provided in an electronic format, then the provider may charge no more than a flat fee of twenty dollars (\$20.00), plus the actual cost of shipping if the records are shipped on portable media.

(ii) The provider of records shall not charge copying or scanning costs for records that are already maintained in an electronic form. If some of the records are stored in paper form and other records are stored in electronic form, then the provider of records must either:

(a) Bill for each production separately depending on its form, or

(b) Bill for all productions as if all records were electronic records.

(D) Providers of records shall not charge a fee for searching for records.

SECTION 4. Tennessee Code Annotated, Section 63-2-102(a), is amended by deleting the subsection and substituting the following:

(1)

(A) If a patient's records are available in paper or film forms only, and if the provider of records attests or certifies that the records were maintained in paper or film only, then the authorized party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing the patient's records. With the exception of records involving workers' compensation cases or social security disability cases, the reasonable costs of copying and mailing the patient's records must not exceed:

(i) Twenty dollars (\$20.00) for medical records five (5) pages or less in length;

(ii) Fifty cents (50¢) per page for each page copied after the first five (5) pages; and

(iii) The actual cost of mailing the patient's records.

(B) A third-party provider of record copying and related services is subject to the reasonable cost limits contained in this section and shall not impose a charge or fee for those services in excess of the cost limits. A healthcare provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection, or survey as set forth in § 63-1-117.

(C) Costs charged for reproducing records of patients involved in a workers' compensation claim must comply with § 50-6-204.

(2)

(A) If the patient's records are provided in an electronic format, then the provider may charge no more than a flat fee of twenty dollars (\$20.00), plus the actual cost of shipping if the records are shipped on portable media.

(B) The provider of records shall not charge copying or scanning costs for records that are already maintained in an electronic form. If some of the records are stored in paper form and other records are stored in electronic form, then the provider of records must either bill for each production separately or for both productions as if they were all electronic records.

(3) Providers of records shall not charge a fee for searching for records.

SECTION 5. Tennessee Code Annotated, Section 63-2-102, is amended by adding the following as a new subsection:

(g) In social security disability cases, if a patient, a patient's legal representative, or person authorized by the patient requests copies of the patient's healthcare records under this section for use in appealing a denial of social security disability insurance under 42 U.S.C. §§ 401 — 433, or supplemental security income under 42 U.S.C. §§

1381 — 1385, then the healthcare provider may charge the patient, the patient's legal representative, or person authorized by the patient twenty dollars (\$20.00), or no more than the reimbursement amount that the disability determination services section within the division of rehabilitation services of the department of human services reimburses the provider, for copies of the patient's healthcare records. However, a search fee shall not be charged if no medical records are located in response to the request.

SECTION 6. Tennessee Code Annotated, Section 68-11-302, is amended by adding the following as a new subdivision:

"Provider of records" means a hospital or facility regulated by this title and includes the hospital's or facility's third-party vendors and business associates;

SECTION 7. Tennessee Code Annotated, Section 63-2-101(c), is amended by adding the following as a new subdivision:

"Provider of records" means a health care provider regulated by this title and includes the provider's third-party vendors and business associates;

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.